RAJYA SABHA

Tuesday, the 24th February, 1987
Phalguna, 1908 *(Saka)*

The House met at eleven of the clock.

The Deputy Chairman in the Chair.

ORAL, ANSWERS TO QUESTIONS

Sarkar Commission

1. SHRI M. S. GURUPADASWAMY will the- Minister of- HOME AFFAIRS be pleased- to state

(a) whether the Sarkaria Commission has completed' its work;

(b) whether any interim report was submitted by the Comnvssiar:;

(e) if so, what are the details thereof; and

(d) what action Government have taken on the *interna* report?

THE MINISTER OF HOME AFFAIRS (SHRI JBUTA SINGH): (a) No, Sir.

(b) No, Sir.

(c) Does not arise, (d

Does nor arise.

SHRI M. S. GURUPADASWAMY Madam, the Sarkaria Commission constituted a few years back. Extension has been given to the Commission from. time to time. According to the latest infer-

ion, the Committee should have submitted its report by the end of 1984. But we are in the year 1987. So far, not

an interim report has been submitted by the Sarkaria Commission. Secondly, India is a federal .state with planned economy. In this system ,the autonomy of the States has got to be protected and preserved. Because of long ,delay on. the part of the Commission in submitting its report, even the interim report as I said, no decision could- be taken in this regard.

Madam, as the time goes om, the relations between the Centre and the States are being subjected to strain. Therefore, I would like the hon. Minister to tell the House as to when the Commission is going to submit its report, whether the Commission is thinking of submitting the

report in parts, whether the Commission is submitting any kvteiim report and whether any date has been nxed for this purpose.

SHRI BUTA SINGH :. Madam, 1 have made the position clear in my ordinal reply. The hon. Member said that the Commission was to submit its report towards the end of 1984. Originally, the term of the Commission was up to 30th June, 1984. It was extended from 1st July 1984 to 30th June i985. The second extension was given from 1-7-1985 to 30-6-1986. The third extension was for six months. The fourth extension will come to an end on 30th April; 1987. The Commission is working under the Terms of Reference

which have been spelt out. The country knows and the hon. Member also knows that the Commission will examine and tew .the working of the existing arrangements between the Union ant! the States in regard to powers, functionis smd onstbilities in all spheres and recommend such changes or.other measures as may be appropriate. In examining and reviewing the working of the existing arrangements between the Union and the States and making recommendations as to the changes and measures needed, the Commission will keep in view the social and economic developments that have taken place ever- the years and have due regard to the scheme and framework of the Constitution which the founding fathers have so assiduously designed to protect the independence and to ensure the unity and integrity of the country which are of paramount importance for promoting the welfare of the people. So, the spectrum is very wide. The entire national framework of the constitutional setup has been referred to the Commission. The Commission is not required to resort to daily or current Centre-State problems. Therefore, the Commission has taken time. There was an elaborate_ questionnaire prepared by - the Commission ana sent to all the bodies all over the country, whether they were political parties, constitutional bodies, Legislative Assemblies', Chief Ministers, Secretaries and also the Central and State Ministries.

Therefore, a wide consultation has been taking place and the Commission has not been able to come to a final conclusion and they have not been able to compile the report. There was no provision for any interim report and the Commission has not made any interim report. In the present circumstances, up to 30th April the Commission has been given the time and we hope that the Commission will complete the job and give its final Report to the Government of India.

SHRI M. S. GURUPADASWAMY Madam, the main thrust of the enquiry, I understand, is to establish or to bring about a fairly reasonable demarcation of functions and division of resources between the Centre and the States. There may be other questions which have been included in the terms of reference ,but this is -the main thrust. And as a result of the demand by various States that the demarcation has not been -made properly so far and the Centre-State relations have been very much under strain, this Commission has been established. May I kmow, Madam, whether the Central Gov- eminent will keep the main thing in view and see that the Commission Report when it cornea, will be considered in alt seriousness? Secondly, I want to know whether the Government, can assure us that the Commission will complete its labour by 'the-"end of April next or whether they are thinking of extending the term because there is already a long delay in this matter.

SHRI BUTA SINGH Madam, let me make is very clsar that the Government does not want to pre-empt in any manner the provisions or the tasks that the Commission has been given. The Commission is seized of the matter. All poli-tical, executive and constitutional forums, most of them have appeared before the Commission. My information is that 15 States have already been visited and discussions held after they submitted their memoranda. Three States have nothing to say to the Commission....

SHRI M. S. GURUPADASWAMY Which are they?

SHRI BUTA SINGH Sikkim, Manipur and Rajasthan have not so far dis-cusied. Even the Punjab Government has not given its views. At the time of the last extension, Punjab Government wanted some more time also. Therefore, it is not for the Government of India ,to suggest or put ideas that the hon. Member has in mind. They are free. Their Party and their Government are free. And I am sure they have given their viewpoints on all the matters that he has mentioned whether it is financial powers or the constitutional obligations or the constitutional duties. Everything is open before the Commission. And the Government does not want to impress or give piny views before the Commission gives its final report. We have-submitted our own views. Therefore, Madam, we are waiting for the final report of the Commission. As. soon as it comes, the Government will take a view on the report.

SHRI M. S. GURUPADASWAMY : Can you assure us that there is no further delay, no further extension?

SHRI BUTA SINGH : How can I go over the head of the Commission and make assurances in this House? That will be reducing the stature of the Commission itself.

SHRI JASWANT ' SINGH : Madam Deputy Chairman, a reference has been made by the hon. Minister that amongst the' Governments that have so far not responded to the Commission, there is the Punjab Government. Madam, in the Punjab Accord itself, there is a reference to the Sarkaria Commission. Therefore, I would like to seek two clarifications. Firstly if the Punjab Government has not responded and has not submitted a memorandum to the Sarkaria Commission despite there being a reference to the Sarkaria Commission in the Punjab Accord, what are the. reasons for it? Secondly, as per this Punjab Accord, the Anand- • pur Sa'hib Resolution was to be referred to the Sarkaria Commission by the Prime Minister. Has this been done? By whom in the Government has this reference been made about the Anandpur Sahib Resolution to the Sarkaria Com-

mission? If it is under the terms of the Accord, what is the specific covering recommendation made either by the Prime Minister or by the Government of Lndia about this reference to the Sarkaria Commission and, finally, has the Sarkaria Commission itself responded specifically to the Anandpur Sahib reference made to it?

SHRI BUTA SINGH : Madam, the hon. Member has referred to two queries. One is about the position of the Punjab Government. In my reply to Shri Gurupadaswamy I said that the Panjab Government has so far not submitted formally either their memorandum or by appearing before the Commission. *The* latest is that they had constituted some sub-group within the Government of Punjab and my information is that the Punjab Government has said that they are still studying the report submitted by their own sub-group and after they have studied the report they are likely to present their case Before this Commission. Now, about the Anandpur Sahib Resolution, it is wrong to say that the Prime Minister has referred the Anandpur Sahib Resolution to the Sarkaria Commission. All that 'is said in the Accord itself, I would like to read; the Accord says that the Shrimoni Akali Dal—it is clause 8(1)—states that the Anandpur Sahib Resolution is entirely within the framework of the Indian Constitution, that it attempts to define the concept of Centre-State relations in a manner which may . bring out the true federal characteristic of our unitary Constitution and that the purpose of the Resolution is to provide greater autonomy to the State with a view to strengthening unity and integrity of the country, since unity in diversity forms the corner-stone of our national goal. This is the stand of the Akali Dal which was a party to this Accord. In view of the above, the Anandpur Sahib Resolution insofar as it deals with Centre-State relations stands referred to the Sarkaria Commission.

SHRI JASWANT SINGH : By whom?

SHRI BUTA SINGH :-It has not been referred by the Government of India, much less the Prime Minister. It stands rsferred means it has already been referred by the Akali Dal, who has claimed these three-four conditions. Therefore, as. such the Government of India is neither a party to it, nor have we referred, nor are we willing to refer it. It is mentioned in the Accord itself that it stands referred, and the hon. Member is so educated that he does not need me to educate him on,the word 'stands referred' mean, which means that the document which has beem referred by the Akali Dal stands, referred.

SHRI JASWANT SINGH: Madam, I want to ask just one clarification. I want to ask that by asserting that it stands referred, are we to infer of conclude that the Government'of India has not referred the Anandpur Sahib Resolution to the Snrkaria Commission and that the Akali Dal has also not so referred.

SHRI BUTA SINGH : Stands referred' 1 have already elaborated. The Government of India has no hand in it. Also, therefore, my information is that the Shiromani Akali Dal has either yet to come before the Commission or make a memorandum before the Commission.

THE DEPUTY CHAIRMAN : Yes, Shri Satyanarayan Reddy.

श्री बी. सत्यनारायण रेड्डी : उप-सभापति महोदया, गृह मंत्री इस सवाल को बहुत ही लाइट्ली ले रहे हैं । आप जानते हैं कि राज्य और केन्द्र के संबंधों के बारे में कई राज्यों ने यह मांग की है कि राज्यों को ज्यादा से ज्यादा अधिकार मिलें और खास कर फाइनेंशनल पावर राज्यों को होनी चाहिए और केन्द्र हर समय छोटे-छोटे मामलों में, राज्यों के मामलों में मदाखलत कर रही है जहां केन्द्र का इंट्रेस्ट हो ।

तो इन तमाम को रोकने के लिए और राज्यों की हिफाजत के लिए और उनकी फाइनेंशल पावर्ज को बढ़ाने के लिए राज्यों ने कई बार इस समस्या को देश के सामने, केन्द्र सरकार के सामने रखा है और केन्द्र सरकार ने सरकारिया कमीशन को नियुक्त किया है । कितने दिन हो गये, माननीय

गृह मंत्री कहते हैं कि अभी चार राज्यों से रिपोर्ट आनी है । तब तक हम कुछ नहीं कर सकते हैं ।

मैं गृह मंत्री जी से जानना चाहूंगा कि अगर यह चार राज्य सरकारें 30 अप्रैल तक रिपोर्ट नहीं भेजती हैं, तो क्या यह कमीशन अपनी रिपोर्ट नहीं देगा, क्या इंटेरिम रिपोर्ट भी नहीं देगा ? क्या इसीलिए रिपोर्ट नहीं देगी ? क्या यह समस्या ऐसे ही रहेगी ? या राज्यों के जो अधिकार हैं उनको ऐसे ही दबाया जाएगा? मैं गृह मंत्री जी से कहूंगा कि वे इसके बारे में बहुत गंभीरता से सोचें और सदन को यह आश्वासन दें कि सरकारिया कमीशन जल्द से जल्द रिपोर्ट देगा, अगर पूरी रिपोर्ट नहीं होगी तो अंतरिम रिपोर्ट पेश करेगा, यह गृह मंत्री जी सदन को बतायें ?

श्री बूटा सिंह : उपसभापति महोदया, यह बड़ा स्पष्ट है कि हम न कमीशन के ऊपर किसी किस्म का कोई प्रैशर लाना चाहते हैं और न कमीशन के काम में किसी तरह का हस्तक्षेप करना चाहते हैं । यदि कमीशन इस राय में है कि उनके पास जितना मैमोरेंडम आना चाहिए था व्यूज आने चाहिए वे नहीं आए हैं और कमीशन टाइम चाहता है तो हम टाइम देते हैं । हमने अपनी ओर से कोई टाइम सजेस्ट नहीं किया है । अब भी 30 अप्रैल का जो टाइम है, हम उम्मीद करते हैं कि इसके अन्दर-अन्दर सभी राज्य सरकारें कमीशन के सामने अपने-अपने मैमोरेंडम दे देंगी और कमीशन सैटिस्फाई हो जाएगा कि उनके पास जितना आना चाहिए था उतना उन्होंने सब कुछ सुन लिया, अपनी ओर से नहीं कमीशन की ओर से जब भी कोई एक्सटेंशन की बात हुई है और केन्द्रीय सरकार इसमें कोई दिलचस्पी नहीं रखती है कि वह इसको बढ़ावे । जैसे ही काम पूरा हो जाएगा और कमीशन की रिपोर्ट जब आयेगी तो केन्द्रीय सरकार उसके ऊपर विचार करेगी ।

श्री वी. सत्यनारायण रेड्डी : इन्टेरिम रिपोर्ट देंगी या नहीं देंगी ?

. . . . **(व्यवधान)**

SHRI ALADI ARUNA alias V. ARU-J NACHALAM : When a commission is constituted to. examine Centre-State relations, it is normally believed that the Government is going to consider assigning more powers to the States. But after knowing the memorandum submitted by the party in power to the Commission, we find that it is quite satisfied with the pre-, sent position and it is dead against assigning more powers to States. Why did the Government than constitute this Commission? After knowing the views of various State Governments and of eminent people, will this Government come forward to assure the House that it will assign more powers to the States?

SHRI BUT A SINGH : How can it be possible for any Government to assume what the Commission is going to say? All the parties are equal before the Commission.. They have their right to express their viewpoints and their stand on the Constitutional arrangement that has ex-I isted no far of the Constitutional arrangement they would like .to make for the smooth functioning of the Centre and States, It is not -for us either to tell the Commission to give more powers to Sta- tes or to give, more powers to the Centre. We have given our viewpoint. Similarly, we are not the only ruling party; in the State, they are the ruling party, and they have given their views; we did not object to it. The Commission only is the authority to go over the views and then on the , wide spectrum which I have spelt out, in the terms of reference, the Commission will take a decision and after their report is available to the Government of India, " we will take a view.

SHRI NIRMAL CHATTERJEE: 'Madam Deputy Chairman, only the spectrum is wide because the doings of the ruling party at the Centre have necessitated that. To that we agree. Now, the question is, does he agree that a stitch in time saves nine. Has the Central Government referred the question of different languages to j be included in the Language Schedule in the Constitution? Has the Cfcntre referred the question of regional autonomy— the language question, for instance, Nepali is there; Konkani is there, say in Darjeeling? And has the Government of

lndia referred that to the Sarkaria Commission? Has the Government of India referred the provision of the setting up of inter-State Council as laid down in the Constitution? If it is not done, do -the Government intend to invoke that particular provision and establish an Inter-State Council even award of Sarkaria Commis-ible?

SHRI BUTA SINGH: Madam, this will be entering into various minute de tails of various issues which are covered by the terms of reference which I spelt out in the beginning itself. It will be premature for us to give our views on these' issues. All the parties have given their views on these issues. Therefore, now, it is for the Commiskm to spell out as to what is in the best interests of the nation as a whole.

SHRI NIRMAL, CHATTERJEE: Have you expressed your views on these issues?

SHRI BUTA SINGH: The issues which have been covered by the terms of reference have been dealt with by the Central Government, all the State Governments, political parties and various other people who are interested in this relationship between the Centre and the States for the smooth functioning of the system. '

Air pollution in Delhi

2. SHRI SURESH PACHOURI : SHRIMATI SUDHA VIJAY JOSHI:

Will the Minister ,of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government are aware of air pollution in Delhi due to fly-ash coal dust, lead, carbon monoxide, sulphur dioxide and other toxic gases from the Indra-prastha and Badarpur Power Stations, stone crushers and from the exhausts of vehicles- and

(b) if so, what steps the Central Pollution Control Board has taken so far in this regard?

The question was actually asked on tha floor of the House by Shri Suresh, Pachouri.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI BHAJAN LAL): (a) Yes, Sir.

(b) The Thermal Power Stations have been directed to install high efficiency electrostatic precipitators. The Delhi Ad ministration has be I to shift the stone crushers situated in non-conforming area. For vehiebs,- emission limits for exhausts have been evolved from enforce ment through- the Transport Directorate of Delhi Administration.

श्री सुरेश पचौरी : उपसभापति महोदया, दिल्ली में कुछ ऐसी इकाइयां हैं जिनके लिए कनसेन्ट दी गई है और यह घनी आबादी वाले इलाकों में हैं जिन्हें नान-कनफॉर्मिंग अर्थात् अनुपयुक्त घोषित कर दिया गया है । यह इकाइयां विषैले अथवा आंशिक तौर पर विषैले रसायनों का उत्पादन कर रही हैं । अन्तर्राष्ट्रीय मापदण्डों के अनुसार सल्फर डाइ-आक्साइड की मात्रा प्रति घन मीटर वायु में 60 ग्राम से ज्यादा नहीं होनी चाहिये । परन्तु यहां एक ऐसी इंडस्ट्री श्रीराम फूड एंड फर्टिलाइजर्स है जिसमें कि यह मात्रा अधिक पाई गई है । मैं आपके माध्यम से सरकार से यह जानना चाहूंगा कि इस प्रकार की इंडस्ट्रीज को हटाने के लिए सरकार की ओर से क्या प्रयास किये गये हैं और इन्हें कब तक हटा दिया जाएगा ? साथ ही इन इकाइयों के प्रदूषण से कई प्रकार की बीमारियां यहां के आसपास के रहने वाले लोगों को हो रही हैं जैसे कि सांस की बीमारी, खांसी, दमा, टी.बी, आंखों में जलन, तपेदिक आदि बीमारियां हैं । मैं यह भी जानना चाहता हूं कि इस दिशा में इन बीमारियों से लोगों को मुक्ति दिलाने के लिए सरकार की ओर से क्या प्रयास किये गये हैं ?

श्री भजन लाल : उपसभापति महोदया, माननीय सदस्य ने यह कहा है कि दिल्ली में फैक्टरीज की वजह से बड़ा भारी प्रदूषण हो रहा है और सरकार इस पर क्या कदम उठाने जा रही है और इनके खिलाफ क्या कार्यवाही की गई है । उपसभापति महोदया, आप जानती हैं कि यह फैक्टरीज कोई आज की लगी हुई नहीं हैं, बहुत